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November 1, 2013

Via FedEx

Mr. William J. Reilly Esq.  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, New York 10007

RE: 99 Chapel Street (NJ Zinc and Barth Smelting Sites)

Dear Mr. Reilly:

Please accept this letter in response to the request made by the Environmental Protection Agency (the "Agency") during our meeting at the Agency's Edison facility on October 24, 2013. The Agency has requested that our client, 99 Chapel Street, L.L.C. ("99 Chapel") construct an element of the work identified to be performed as part of the Agency's Removal Action at the Millard E. Terrell Homes complex (the "Terrell Homes Site"). Specifically, the Agency has requested that 99 Chapel install a low wall or curbing along an approximately 405 foot to 410 foot portion of the boundary between the 99 Chapel site and the Terrell Homes Site so as to preclude the migration of surface soils between those sites (the "Work"). The Agency has insisted that 99 Chapel provide an indication of 99 Chapel's willingness to undertake that work on or before November 1, 2013.

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Based on our October 24th discussions, the following is our understanding of the nature of the Work, the process by which that Work would be approved and coordinated, and the timing of the Work:

1. 99 Chapel would provide a survey of the Work area.
2. 99 Chapel submit a description of the general details of the Work for review by the Agency in by Wednesday, November 20, 2013.
3. The Work would be accomplished along or in the immediate vicinity of the existing boundary fencing.
4. The Agency has installed fencing in the area where the Work will be performed that precludes access to the area of the Work from the residences and will maintain such fencing recognizing that 99 Chapel needs to maintain security precluding access to the 99 Chapel property.
5. The Agency would obtain the cooperation of the Newark Housing Authority (the owners of the Terrell Homes Site) to allow for: (a) access for the performance of the Work; and (b) such easements or cross-easements that permits the continued presence of the improvements (curbing or low wall and fencing) along the boundary of the two sites and acknowledging the rights of the respective property owners to maintain and/or repair those improvements.
6. The Agency will confirm, in writing, that the Work is being accepted as part of the Removal Action.
7. The Agency's review will be focused on whether the Work as will be proposed by 99 Chapel will serve the function of precluding migration of surface soils in the vicinity of the boundary.
8. Should the Agency's review result in comments that the contemplated Work be revised from that description as proposed by 99 Chapel, the Agency and 99 Chapel will work diligently to adjust the proposed Work. However, should 99 Chapel not make changes that the Agency deems are necessary, or if the changes deemed necessary by the Agency substantially change the scope or cost of the Work as proposed by 99 Chapel, either party can, respectively, cancel 99 Chapel's implementation of the Work. Similarly, if the cooperation of the Newark Housing Authority cannot be obtained, 99 Chapel will not be in a position to implement the Work.

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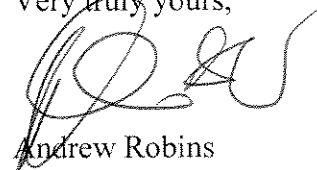
9. The Agency will be conducting soil removal work on the Terrell Homes Site in the vicinity of the boundary between that site and the 99 Chapel Site to be commenced in November 2013 and completed in or about the beginning of December 2013 (the "Soils Work").

10. The Soils Work will be conducted so as to allow the implementation of the Work directly after the Soils Work.

11. The Work would be implemented following the completion of the Soil Work.

With the foregoing understandings, 99 Chapel is prepared to move forward as requested. Should you have any questions regarding the foregoing, please contact the undersigned directly. All inquiries on this matter should be directed to this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "AR", is written over the typed name "Andrew Robins".

Andrew Robins

Enc.  
AR/lc